

REMARKS

Claims 63 and 65-75 are the pending claims in the present application. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1. Claims 63, 65-68, and 70-75 are rejected under 35 U.S.C. 102(a) as allegedly anticipated by Ingham et al. Claims 63, 65-68, and 70-75 are further rejected under 35 U.S.C. 103(a) as allegedly obvious in light of Ingham et al. Applicants traverse these rejections and contend that the rejections are moot in light of the amended claims.

Applicants maintain the arguments of record and contend that Ingham et al. fail to undermine the patentability of the claimed subject matter. Nevertheless, to expedite prosecution, Applicants have amended the claims to particularly point out certain embodiments of the invention. Applicants' amendments are not in acquiescence to the rejections, and Applicants reserve the right to prosecute claims of similar or differing scope.

Specifically, Applicants have amended the claims to point out that the preparation comprises a hedgehog polypeptide formulated for topical administration in association with certain delivery devices (e.g., a sponge, bandage, dressing, film). Support for Applicants' amendment can be found, for example, on page 70, lines 15-19. Further support for Applicants' amendment can be found in the working examples in which hedgehog protein, in association with a collagen sponge, is administered to mice by subcutaneous transplantation.

Ingham et al. neither teach nor suggest preparations in which hedgehog protein is formulated for delivery on a sponge or dressing. Accordingly, Ingham et al. fail to satisfy the criteria for anticipating or rendering obvious Applicants' invention. Applicants reiterate the arguments of record that detail passages from the MPEP, as well as relevant case law from the Federal Circuit, in support of Applicants' contention that Ingham et al. fail to anticipate or render obvious the claimed subject matter. Given that Ingham et al. fail to anticipate or render obvious the claimed invention, reconsideration and withdrawal of these rejections are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,



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Date: January 18, 2005

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